

## Storm, Linda

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**From:** Kowalski, Ed  
**Sent:** Tuesday, May 21, 2013 3:56 PM  
**To:** John Stuhlmiller; Gebhardt, Chris; Storm, Linda  
**Cc:** cholley3233@comcast.net; Terry and Vicki Larson; JoAnn Shaffner  
**Subject:** RE: EPA letter to Terry and Vicki Larson

Dear Mr. Stuhlmiller,

I appreciate your interest in this matter. Let me first clarify that EPA has not initiated a legal proceeding against Mr. and Mrs. Larson. Our letter of May 14, 2013 had two purposes: to notify Terry and Vicki Larson that, based upon the information we have to date, there may be a violation of the Clean Water Act, as we are required to do; and to seek additional information from the Larsons to determine whether any violation did in fact occur, which appears to be a shared objective based upon your message. You will note that we have specifically requested information regarding prior agricultural use of the subject property, an issue you raise. Additionally, for your information, we have coordinated our effort with other federal and state regulatory agencies prior issuing our letter to the Larsons and will continue to do so.

In short, our letter did not intend any disrespect to the Larsons and was intended to initiate the information exchange prior to "pressing further" as you describe in your message. I apologize if it came across as overly strong. We look forward to the Larsons' response to the information request and further discussion once we have had an opportunity to review the information.

In the meantime, I encourage you and the Larsons to take full advantage of the offer at the end of our letter to contact Chris Gebhart, Linda Storm or Ted Yackulic with any questions or concerns. These are the individuals with the most knowledge concerning the details of the concerns at the site and will be happy to answer any questions you may have.—  
Ed Kowalski

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**From:** John Stuhlmiller [<mailto:JStuhlmiller@wsfb.com>]  
**Sent:** Monday, May 20, 2013 12:58 PM  
**To:** Kowalski, Ed; Gebhardt, Chris; Storm, Linda  
**Cc:** [cholley3233@comcast.net](mailto:cholley3233@comcast.net); Terry and Vicki Larson; JoAnn Shaffner  
**Subject:** EPA letter to Terry and Vicki Larson

Greetings Mr. Kowalski, et al,

I just received a copy of the letter you send our members Terry and Vicki Larson.

We are very concerned about this issue for a number of key reasons. Key is that the land application of shellfish shells has been ongoing for years on this property and it is being conducted in accordance with an approved farm plan. When it was determined that a permit to make the application was necessary, the Larson's obtained a permit.

Additionally, I am concerned by the tone and content of the letter. My hope is to have agencies approach an issue with respect and dignity for the landowner and to have an informational exchange before pressing further. I view the May letter as somewhat strong and hope you all will converse in a fashion that will help the Larson's determine the right course of action. These are fine folks who desire to do the right thing, and even if a violation of the CWA were to be found,

they acted in conformity with the law as they understood it and did not intend any harm as they conducted their approved, normal agricultural activity.

It is further my understanding that this ground has been determined to be prior converted cropland and is thus within NRCS not ACE or EPA jurisdiction. As such, NRCS/Conservation District practices and farm plans would dictate appropriate agronomic rates for land applications.

Please engage in more discourse with us before forcing the issue down a needless regulatory and potentially litigious path.

We remain ready to help find a solution.

Best regards,

John Stuhlmiller

Chief Executive Officer



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